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O'Callaghan v. Farmer

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-4259

D.T.B., a minor child, by his next friend,
Daniel J. O'Callaghan; DANIEL J. O'CALLAGHAN,

Appellants

v.

JOHN J. FARMER, Hon., in his past or present official capacity
as Attorney General of the State of New Jersey; JOHN J. HARPER,
Hon., in his past or present capacity as Justice of the Superior
Court of New Jersey, Chancery Division, Family Part; DAVID F.
SALVAGGIO; MATHIAS R. HAGOVSKEY; ANN T. SCUCCI

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

(No. 01-cv-00630)
Hon. Joseph A. Greenaway, Jr.

Submitted Under Third Circuit LAR 34.1(a)
June 16, 2004

Before: ALITO and SMITH, Circuit Judges, and DUBOIS, District Judge*

(Opinion Filed: September 14, 2004)

* Hon. Jan E. DuBois, United States District Judge for the Eastern District of Pennsylvania, sitting by designation.

OPINION OF THE COURT

PER CURIAM:

This appeal stems from litigation in the New Jersey Superior Court, Family Part. Plaintiff Daniel J. O’Callaghan filed a paternity, custody, and/or visitation action against V.R.B., the mother of O’Callaghan’s minor son. Defendant Judge Harper presided over this case and terminated O’Callaghan’s overnight visitation rights. After O’Callaghan failed to obtain interlocutory relief in the Appellate Division and the New Jersey Supreme Court, he filed a complaint against Judge Harper with the State Advisory Committee on Judicial Conduct, but this also proved unsuccessful. Judge Harper eventually dismissed O’Callaghan’s complaint and imposed sanctions for procedural violations. O’Callaghan then made additional efforts to obtain appellate review in the New Jersey courts.

Greatly dissatisfied with the state court litigation, O’Callaghan subsequently filed this action in federal court asserting numerous federal constitutional and statutory claims against the judge, the former state attorney general, a court appointed psychologist, and others. The District Court dismissed the plaintiffs’ claims against the judge and former attorney general pursuant to the Rooker-Feldman doctrine and issued a detailed opinion explaining the basis of its decision. For essentially the reasons stated in that opinion, we hold that these claims were properly dismissed. We appreciate the importance of

O’Callaghan’s concerns, but the claims asserted in the present federal action are inextricably intertwined with the state court decisions, and the lower federal courts accordingly lack jurisdiction to entertain those claims.

The District Court granted summary judgment in favor of the court-appointed psychologist, holding that she was entitled to absolute immunity under Hughes v. Long, 242 F.3d 121 (3d Cir. 2001). We agree with this ruling.

We have carefully considered all of the arguments advanced by the appellant but see no ground for reversing the District Court’s disposition of any of the claims asserted against any of the defendants. Accordingly, the orders from which the appeal were taken are affirmed.
